Amended Finding of No Significant Impact
and
Decision Record
For
Corbin Creek Pipeline Environmental Analysis
(EA # OR-030-01-008)

Background

On October 12, 2001 a Finding of No Significant Impact (FONSI), for the proposed Corbin Cr. Pipeline project, was signed and made available for public review along with the subject Environmental Assessment (EA). Written comments were received from representatives of the Oregon Natural Desert Association and Committee for Idaho's High Desert opposing the project and calling for an EIS, for reasons summarized as follows:

1. EA fails to include cumulative impacts -- considering the effects of the proposed action relative to the Jackies Butte/Jordan Creek Emergency Stabilization and Rehabilitation Plan (ESR Plan) /EA -- and therefore violates NEPA.

2. EA fails to analyze a wide range of alternatives.

3. Proposed Action will cause degradation of public lands in violation of regulations.

BLM corresponded back and forth with opponents of the pipeline proposal to ensure that comments received were clarified and understood, so they could be appropriately acted upon prior to issuance of a decision. Based on comments received and subsequent deliberation, the final decision on the Corbin Creek Pipeline Project was deferred until the writing of this document. All comments received have been carefully considered. The EA and FONSI have been reviewed and modified to clarify the analysis and ensure that BLM has taken the requisite "hard look" at potential environmental impacts.

Amended FONSI

I find that the proposed action, with mitigating measures described within the EA and herein, will not have any significant impacts on the human environment and that an EIS is not required. The rationale for this finding is as follows:

The opponents of the pipeline project (which was initially proposed in 1981) first err by drawing a connection between the proposed action and an Emergency Stabilization and Rehabilitation Plan (EA No. OR 030-01-017), which was proposed and implemented in response to a 2001 wildfire (caused by lightning). They conclude that cumulative effects were not addressed and an EIS is required. They also conclude that an adequate range of alternatives was not addressed.

Cumulative effects

The 2001 wildfire, and the subsequent ESR effort, occurred adjacent to the area in which the pipeline is proposed. In fact, only one trough of 14 proposed would be located within the area burned by wildfire. Yet, the opponents of this project conclude erroneously that the ESR and proposed pipeline are linked and designed for the sole benefit of livestock. They also argue that even if the two actions were coincidental, they are closely related and should be addressed in an EIS.

The fact is the ESR Plan and Corbin Creek Pipeline proposal are two unrelated, independent actions, with different goals and objectives. They have no significant direct or indirect impacts on one another, or on the environment.

The 2001 ESR Plan was an emergency plan which laid out specific actions needed to meet the ESR objectives. The primary ESR objectives were: to stabilize soil, prevent re-invasion of cheatgrass (an invasive, exotic annual grass), reduce the fire frequency associated with cheatgrass, and by doing so establish a perennial forage base for wild horses, wildlife and cattle. All of the above were to be accomplished by planting adapted perennial plants (grasses, forbs, and shrubs) which would successfully compete with cheatgrass and other invasive weeds.

The Corbin Creek Pipeline was proposed at an earlier point in time to meet different objectives. These objectives are not dependent on what type of vegetation exists on site (annual or perennial, exotic or native), but instead are aimed at proper management and protection of existing range resources and values. The Corbin Creek Pipeline objectives, set forth in the subject EA, are to: improve the ability to rotate and defer livestock grazing, improve livestock distribution, reduce grazing impacts at Hardin Springs and Dry Creek (particularly during dry years when concentrations are highest), and enhance the wild horse Herd Management Area. All of these objectives would be achieved by developing more dependable water sources. More dependable water would allow existing grazing systems (rotational deferments) to work more effectively because they would not be disrupted by dry years when reservoirs do not fill or are short lived. A host of wildlife species would also benefit by more dependable water.

The EA properly describes the affected environment as being dominated by a mix of non-native, crested wheatgrass seedings, and cheatgrass dominated sites. It refers to these areas as "disturbed," meaning that they are not currently capable of returning to a native, natural condition without intervention by man (such as through cheatgrass and weed control, seeding, dependable grazing systems, etc.). Nevertheless, the vegetation that exists, whether totally native and natural, or dominated by exotic plants (annual or perennial) must be managed to protect the collection of resource values that do exist. Regardless of what vegetation exists, the Corbin Creek Pipeline, as proposed, would improve BLM's ability to manage grazing by livestock and wildhorses. Therefore, whether the adjacent ESR seeding is a success and results in a seeding dominated by an adapted, exotic, perennial grass, or fails and is once again dominated by exotic, cheatgrass and weeds, the pipeline proposal would still have the same effect on the

human environment. In either case, the resource base would be better managed and protected with greater certainty and flexibility provided by the pipeline.

Wildlife habitat issues were well addressed in the EA. Sage grouse will not be significantly affected, because the area the pipeline will serve is nearly devoid of sagebrush and does not currently support sage grouse. The indirect impacts to nesting habitat is well described in the EA, as being low. This action would not contribute to the likelihood of listing sage grouse. No T&E species are affected. Pronghorn would benefit by additional water, as would other species. Previous cultural inventories have failed to turn up any finds in the area. A field inventory of the pipeline route has been completed and no cultural sites were encountered. Recreation values would be relatively unaffected, because: this area is not currently frequented for recreation purposes; current recreational activities would not be expected to change; the areas visual resource rating is already low and would not be changed by the project; and the area is already unnatural in appearance being dominated by exotic, annual plants and exotic, perennial seedings. No wilderness study areas, or other special management areas, would be affected.

All lines and troughs will be placed within areas currently dominated by exotic annual plants like cheatgrass and/or exotic perennial seeded plants like crested wheatgrass, thereby reducing the impact on the natural human environment. If crested wheatgrass is successfully planted, in areas disturbed by pipeline construction, it will not change the existing species composition other than to potentially decrease cheatgrass.

In summary, the proposed action's impacts, both positive and negative are local in scope. The direct impacts of pipeline construction and associated livestock use are almost totally confined to areas currently dominated by exotic plants (both undesirable annuals and desirable perennials). Native communities remaining in the affected pastures would be positively affected by the certainty that sufficient water would be available, from one year to the next, to support improved distribution of livestock and existing rotational grazing deferments. The proposed action would not affect public health and safety. There are no special management areas or unique characteristics of the geographical area which would be affected. The potential effects on the quality of the human environment are not highly controversial. They are well described in the EA, and herein. Other than broad statements of disagreement, the opponents of this project have offered no alternative analysis or projection of the outcome. The potential affects of the proposed action are not unknown or uncertain. The EA describes the likely outcomes (environmental consequences) related to this specific project and the affected environment. No precedents, relative to future projects, are established by this action. All project proposals are analyzed based on the specific setting, the unique environmental and management issues involved, and the associated facts and circumstances. There are no relationships with other actions which would result in cumulatively significant impacts. There are no adverse impacts anticipated, other than those discussed in the EA. Endangered species are not affected and this action will not increase the likelihood of listing sage grouse. Finally, the proposed action does not threaten the violation of any federal, state, or local law, or any requirement for the protection of the environment.

Range of Alternatives

The opponents argue that BLM should have analyzed other alternatives such as altering stocking rates, seasons of use, or instituting stubble height standards which when reached would trigger cattle removal. These alternatives, once recommended, were considered and dismissed for the following reasons:

1. "Altering stocking rates" (presumably meaning to reduce them) would not achieve the objective of improving distribution or facilitate rotational deferment of grazing. Reduced numbers of cows would still congregate on existing water sources, particularly during dry years, and improvement in vegetation around Hardin Springs and Dry Creek would not occur. Cows would not venture as far from existing water for forage, as they currently do. They simply wouldn't be compelled to, with fewer cows. So, the concentrations and negative effects of grazing around existing water would continue regardless of reduced numbers. The livestock grazing permittees, that graze cattle in the area, would suffer unnecessarily from such an alternative because it would reduce their grazing privileges without concomitant improvement in resource values. Wild horse HMA objectives and wildlife benefits would be forgone. The minor new disturbance created by pipeline installation and trough placement would be short lived.

2. Implementing a 6 inch stubble height to trigger cattle removal (which was proposed without supporting data or documentation), would also not meet the stated objectives, unless the stubble height standard the opponents desire is to be enforced immediately adjacent to the existing water. In that event, the alternative would have the effect of eliminating grazing altogether, since, in this particular context, grazing would start and stop so quickly as to make it uneconomical. If the stubble height standard was applied to the uplands, to represent an average of grazing use for a pasture, then concentrated grazing would still occur around existing water. Wild horse HMA objectives and wildlife benefits would be foregone.

3. Current seasons of use are appropriate for the area, because active growing season (spring) grazing deferment may take place in alternating pastures. This rotational deferment ensures that plants may periodically grow in the spring and meet their carbohydrate storage requirements, before being grazed. No specific, alternative seasons were proposed by the opponents, for consideration.

Proper use (that which would protect vegetation and watershed health) would be facilitated by more watering sites, more stable water and the ability to rotate and defer grazing, per the existing management plan, without interruption during dry years. The current utilization levels established by the land use plan (pasture averages) are up to 60% for seeded crested wheatgrass and 50% for native grasses (including averages of remnant natives in annual dominated sites). Historic utilization averages, for the subject pastures, have normally been well below the 50% mark. So, additional and more dependable water would allow for better distribution of grazing use annually, relieve grazing impacts around existing water locations, and provide more certainty to existing grazing systems. This would be accomplished without exceeding the target utilization

levels set out by the land use plan. Though the area immediately adjacent to any new trough may be heavily grazed, this impact would be offset by the reduction of heavy grazing impacts at and around historic water sources like Hardin Springs and Dry Creek. The current deferred grazing system would ensure that heavy livestock use, immediately adjacent to water sources, would be regularly deferred during the growing season, which would allow for recovery. Also, the new troughs would be located on dry upland sites, rather than riparian areas, so livestock would be expected to spend less time at and around the new water locations. The net effect would be that of spreading the existing grazing use over a larger area, without exceeding the target utilization averages.

The opponents offered no more specifics as to what their alternatives might be.

Resource degradation, in violation of regulations

The subject area is open to grazing in accordance with applicable law (TGA, FLPMA, PRIA, APA, etc.) and the current land use plan. The expected outcomes are consistent with S&Gs and are specifically mentioned ("promote livestock distribution, encourage a uniform level of proper grazing use throughout the grazing unit") on page 17 of the Standards for Rangeland Health and Guidelines for Livestock Grazing Management for Public Lands Administered by the Bureau of Land Management in the States of Oregon and Washington, dated August 12, 1997. The EA/FONSI, as modified, adequately analyze expected resource impacts and prescribe appropriate mitigation, to minimize them. There are no significant impacts and no violations of regulation or law associated with implementation of this project.

The amended EA, with mitigation, sufficiently addresses the environmental impacts associated with the proposed action and analyzes a reasonable range of alternatives.

Decision Record/Rationale

I have determined that implementation of the proposed action and mitigation measures outlined in EA No. OR-030-01-008, as modified, is in conformance with the land use plan(s) for Jordan Resource Area (i.e. Southern Malheur MFP/RPS and SEORMP).

Therefore, it is my decision that the proposed action be implemented in accordance with the mitigation outlined in the EA and herein.

Cross country travel will be limited to times when the soil is dry and firm enough to avoid creating ruts. Each trough will be constructed so it can be shut off, individually, so that grazing utilization at any trough location can be controlled. Shutting off water to some troughs and keeping other troughs on, will allow the amount of grazing use the area near a new trough receives to be controlled. All areas disturbed through construction activities will be reseeded with adapted perennial grasses. The pipeline route and trough locations will be periodically monitored, through out the growing season, for weeds. If found, appropriate control measures will be taken consistent with current weed abatement plans and supporting NEPA documents.

Rationale

The project is designed to make water available on a more reliable basis, distribute existing grazing and associated impacts more effectively, reduce concentrated grazing around existing water sources (particularly at Hardin Springs and on Dry Creek) to the benefit of watershed and other resource values. It would facilitate existing grazing deferments and rotations, improve the wild horse HMA and protect horses during drought. The expected outcomes are consistent with S&Gs and are specifically mentioned ("promote livestock distribution, encourage a uniform level of proper grazing use throughout the grazing unit") on page 17 of the Standards for Rangeland Health and Guidelines for Livestock Grazing Management for Public Lands Administered by the Bureau of Land Management in the States of Oregon and Washington, dated August 12, 1997.

The subject area is open to grazing in accordance with applicable law and the current land use plan. The pipeline proposal is made specifically to better manage grazing and provide benefits to other resources. There are no proposals for increased grazing use associated with the pipeline proposal and none is considered in the EA, or herein. The amended EA, with mitigation, and FONSI sufficiently address the environmental impacts associated with the proposed action and analyzes a reasonable range of alternatives.

/s/Jerry L. Taylor November 4, 2002

Jerry L. Taylor Date
Field Manager
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